(1)

Supreme Court, U.S.
FILED
JAN 26 2005
OFFICE OF THE CLERK

No. 041014

In the

Supreme Court of the United States

Oleksiy Leonichev & Viktoriya Leonicheva,
– *Petitioners*

v.

Valley Presbyterian Hospital – *Respondent*

Sherri R. Carter, Clerk of US District Court, Central District of California – *Respondent*

Ronald S.W. Lew, US District Court Judge, Central District of California – *Respondent*

Cathy A. Catterson, Clerk Court of Appeal for Ninth Circuit – *Respondent*

On Petition For Writ of Mandamus
To The US District Court Central District of California
To The US Court of Appeals For the Ninth Circuit

PETITION FOR WRIT OF MANDAMUS

Oleksiy Leonichev &Viktoriya Leonicheva –
Plaintiffs – Petitioners (Pro Se)
5260 Corteen Place #3,Valley Village, CA 91697,
Phone/Fax: (818) 760-0882

QUESTION PRESENTED FOR REVIEW

I. Petitioners Oleksiy Leonichev & Viktoriya Leonicheva seek **Writ of Mandamus** for purposes to **compel:**

1) **US District Court Central District of California:**
   a) Reopen Civil Case CV04-7066RSWL and Enter Default and Default Judgment against Defendant Valley Presbyterian Hospital. Default was appeared at 10:00 am 09/15/04 by Plaintiffs' Affidavit.
   b) Annul unsigned Orders (Entries #35, #44, #53 of Docket CV04-7066RSWL)
   c) Annul Notices of Deficiency, which do not state real Deficiency (Entries #9, #24, #28 of Docket CV04-7066RSWL)
2) **US Court of Appeal for Ninth Circuit:**
   a) Open proceeding of Complaint of Judicial Misconduct against US District Judge Honorable Ronald S.W. Lew. This Complaint was never even docketed, although was filed 11/18/04.

II. Petitioners Oleksiy Leonichev & Viktoriya Leonicheva seeks relief from Obstruction of Justice, committed by Clerk of Court Central District of California Sherri R. Carter, US District Court Judge Honorable Ronald S.W. Lew and Clerk of Court of Appeal for Ninth Circuit Cathy A. Catterson.

PARTIES

Oleksiy Leonichev & Viktoriya Leonicheva	–	Plaintiffs - Petitioners (Pro Se)
Valley Presbyterian Hospital, (15107 Vanowen St, Van Nuys CA 91405)	–	Defendant - Respondent
Kent A. Halkett	–	Counsel for Valley Presbyterian Hospital, Defendant in Case CV04-7066
Sherri R. Carter, Clerk of US District Court, Central District of California	–	Respondent
Ronald S.W. Lew, US District Court Judge, Central District of California	–	Respondent
Cathy A. Catterson, Clerk Court of Appeal for Ninth Circuit	–	Respondent

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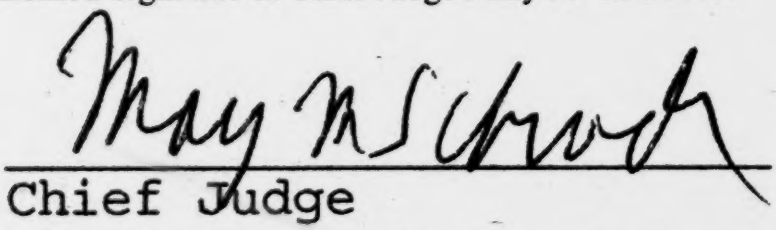
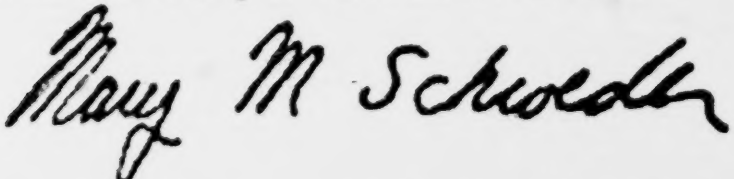
1. PARTICULARITY WHY THE RELIEF SOUGHT IS NOT AVAILABLE IN ANY OTHER COURTS.

1.1 Obstruction of Justice repeatedly committed by District Court & Court of Appeal for Ninth Circuit, totally isolated Plaintiffs-Petitioners from any relief in both Courts. Two Clerk Deputies dismissed the Case even without one Judge's signature. US District Judge Ronald S.W. Lew supervised just orally: (1) saved Defendant from Default, which clear occurred at 09/15/04 at 10:34 am; (2)accepted Motion to Dismiss filed by **third party,** on the **21st day** [1] after service of 08/25/04 of the Summons & Complaint and five hours after time, when Plaintiffs' Request for Default. **Complaint of Judicial Misconduct** against Judge Ronald S.W. Lew was **never even docketed** in the Court of Appeal and dismissed by Order with falsified Signature of Chief Judge Mary M. Schroeder:



Chief Judge

is **obviously differs from signature** on her Foreword to the 2002 Annual Report "Ninth Circuit US Court":



Docket 04-89118 does **not indicate any relation to the misconduct of Honorable S.W. Lew** and filed 10/21/04 – 3 weeks prior Complaint of Misconduct (*see Appendix*)

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[1] Rule 12(a)(1)(A) FRCP: "...a defendant shall serve an answer within **20 days** after being served with the summons and complaint..."

1.2 Two Plaintiffs' Appeals (04-56870 & 04-56895) to the Court of Appeal for Ninth Circuit were dismissed in the same manner: by **unsigned unpublished and not certified by Clerk Orders** (see Appendix), issued immediately after Plaintiffs' Motions to correct Clerical Mistake in Civil Docket CV04-7066RSWL. Because of **"genuine nature"** of these Orders, Clerk **Cathy A. Catterson** has even refrained:

1) Sign Orders, as requires Rule 36 FRAP [2]
2) Include those Orders to the List "**Ninth Circuit Opinions**" on http://www.ca9.uscourts.gov.
3) Include copy of those to the two Mandates, sent to District Court [3].

1.3 Reason, on which mentioned here above Orders to dismiss based, indicate that **Court of Appeal** for Ninth Circuit **LONG TIME WILLFULLY DISOBEYS LAW** So, both Appeals were **dismissed because**: ...**lacks jurisdiction** over this appeal because the **orders** challenged in the appeal is **not final**..." Followed reference to the Cases 1981 & 1997 years indicates that **Court of Appeal** for Ninth Circuit has longtime tradition to ignore Section 1292(1) US Code: "...**courts of appeals shall have jurisdiction** of appeals from: **Interlocutory orders** of the district courts of the United States." However – Court of Appeal – is neither Congress, nor Senate, and has no authority to annul Section 1292 USC, because Section 1291 USC seems more convenient.

The bottom line is: Obstruction of Justice repeatedly committed by District Court & Court of Appeal for Ninth Circuit, totally isolated Plaintiffs-Petitioners from any relief in both Courts. So relief sought by Petitioners are **not available in any other Courts**.

[2] Rule 36(a) FRAP: "...The clerk must prepare, sign, and enter the judgment..."

[3] Rule 41(a) FRAP: "...the mandate consists of a certified copy of the judgment, a copy of the court's opinion..."

2. OPINIONS & ORDERS BY THE COURT.

2.1 Besides with dismissal of the case CV04-7066RSWL and two Appeals (04-56870 & 04-56895), **Petitioners have not received even one Order**, signed by Judge (or Judges) and certified by Clerk. So, under provision Section 1, Article IV US Constitution [4], Rule 44(a)(1) FRCP [5], Rule 901(a) [7] & 902(10) [6] Federal Rules of Evidence, Local Rules of District Court 58-4 [8] & 58-10 [9], it is proper to state: **All Orders** for case CV04-7066RSWL and two appeals (04-56870 & 04-56895) – were **Falsely Issued**

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[4] The Section 1, Article IV US Constitution declares: "Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And **congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved**, and the effect thereof." The **Act of First US Congress promulgated on the Second session (05/26/1790)**: "...that the **records and judicial proceedings** of the courts of any state, **shall be proved** or admitted in any other court within the United States, by **attestation of the clerk**, and the **seal of the court annexed**, if there be a seal, **together with a certificate of the judge**..."

[5] Rule 44(a)(1) FRCP. Proof of Official Record: "An **official record kept within the United States**... ...**when admissible for any purpose**, **may be evidenced by an official publication thereof** or by a **copy attested by the officer having the legal custody of the record**, or by the officer's deputy, and **accompanied by a certificate that such officer has the custody**. The **certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept**, **authenticated by the seal of the court**..."

[6] Rule 902(10) **Federal Rules of Evidence**: "Any **signature**, document, or other matter declared by Act of Congress to be presumptively or **prima facie genuine or authentic**."

[7] Rule 901(a) **Federal Rules of Evidence**: "...**authentication or identification** as a condition precedent to **admissibility**..."

[8] **L.R. 58-4 Entry of Judgments and Orders - Settlement of Orders or Judgments**. Entry of judgments or orders shall not be made by the Clerk **until the Court has settled the form of judgment or order**..."

[9] **L.R. 58-10 Signature Line for Signature of Judge**. At least two lines of the text of any order or judgment shall appear on the page that has the line **provided for the signature of the judge**.

under authority Clerk of District Court and Clerk of Court of Appeal for Ninth Circuit. Moreover, Clerk of District Court Sherri R. Carter has transferred all her authority to the Numerous Army of Clerk Deputies, so **all proceeding (including issuance of all Orders!)** for case CV04-7066RSWL was performed by numerous Clerk Deputies, acted on their own names. **They act not just instead of Sherri R. Carter, but instead of Judges as well: denying and granting motions, dismissing cases, issuing Orders,** etc. However, **Clerk of Court Sherri R. Carter** – is not incapacitated or permanently absent – as precedent of applicability provision Section 954 [10] Title 28 US Code, which is headlined: "**Vacancy in clerk position; absence of clerk.**" Undocumented permission for Numerous Deputy to act on own name – is **PARDON in advance** for every potential SIN, committed by **Clerk of Court Sherri R. Carter:** whatever Deputy will do – he (or she) will do this on his (or her) own name and responsibility. To be more efficient, **Clerk of Court Sherri R. Carter** – has **avoided** keeping "a **book known as "civil docket"** and entering to it all "**appearances**, orders, verdicts, and judgments", as requires Rule 79(a) FRCP [11]. It should be noted, that **existing US Laws do not recognize** that Electronic Filing System PACER – is **equivalent of the Civil Docket**. Plaintiffs Petitioners have never saw a **book** [11] known as "**civil docket**" [11] for Case CV04-7066RSWL

[10] Section 954 Title 28 US Code. **Vacancy in clerk position; absence of clerk**: "When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk **in the name of the last person who held that office**. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the **deputy clerks shall perform the duties of the clerk in the name of the clerk**. The **court may designate a deputy clerk** to act temporarily as clerk of the court in his or her own name.

[11] Rule 79(a) FRCP: " The clerk shall keep a **book known as "civil docket"** ...

2.2 District Court Signed & Documented Opinions.

a) Docket Entry #9: **Notice of Deficiency** by Deputy Clerk Brent Pacillas: "The **Clerk cannot enter requested Default** of Valley Presbyterian Hospital for the following reason(s): Request to enter Default and Motion to Dismiss were both filed on 9/15/04. **Request for default** was **filed at 10:34 am** and **motion to dismiss** was **filed at 3:41 pm**. Request forwarded to assigned Judge for consideration. Requesting party shall file a new Request / Application with noted deficiency corrected in order to have default reconsidered"

b) **Transcript of hearing** of 10/25/04 by Court Reporter SHERI S. KLEEGER: "**THE COURT**: Any further argument for the movant? **MR. HALKETT**: Only to the extent if Your Honor is inclined not to grant the motion, **I would like to address whatever issues the Court has**. Otherwise, I'm fine with the papers submitted including the reply brief. **THE COURT**: **How can a lawyer make that kind of conditional statement to the Court?** What kind of response do you want me to give you? **MR. HALKETT**: Nothing, Your Honor. **MR. LEONICHEV:** The **motion has been moved by the person who has not been an attorney, at the time when the motion was moved**. He was assigned an attorney just the next day. And this is the first. The second, **I still have not received final decision about – regarding deficiency**. September 15, when plaintiff requested to clerk to make default, the **clerk refused to make this default**. The reason because the five hours late, and **on the 21st day after serving complaint and summons**. Defendant has moved the motion to dismiss the case. So clerk accepted it – this motion on the 21st day, and **this is against the law** because the law **just 20 days to make a pleading. THE COURT: The motion is properly before the Court** for you to argue an opposition that's procedurally deficient is not going to be accepted by this Court. **MR. LEONICHEV:** Okay. This

motion, as well, moved by the person who even didn't put the statement "to the best of his knowledge." There is no any –I am swear under penalty of perjury," just – this person just don't know what he is moving. There's no certification under Rule 11. **THE COURT:** I don't think you know what you are talking about. I have read your papers. It's garbled. The complaint is garbled and unclear. I will tell you this: I'm not going to ask you to respond either Mrs. Leonichev. I read the papers in this case. **I'm going to grant the motion**..."

2.3 District Court Unsigned Order (Docket entry #35): "...Defendant's motion to dismiss Plaintiffs' first cause of action GRANTED... ...second cause of action GRANTED... ...third cause of action GRANTED... ...fourth cause of action GRANTED... ...fifth cause of action GRANTED... ...sixth cause of action GRANTED... ...seventh cause of action GRANTED..."

2.4 Unsigned Orders Court of Appeals (case 04-56870): "...lacks jurisdiction over this appeal because the orders challenged in the appeal is not final or appealable. *See 28* U.S.C. Section 1291;*Chacon v. Babcock,* 640 F.2d 221(9th Cir.1981) (order is not appealable unless it disposes of all claims as to all parties). Consequently, this appeal is dismissed for lack of jurisdiction..."

2.5 Unsigned Orders Court of Appeals (case 04-56895): "...this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. *See WMX Technologies, inc. v. Miller,* 104 F.3d 1133 (9th Cir.1997) (dismissal of complaint with leave to amend is not appealable). Consequently, this appeal is dismissed for lack of jurisdiction..."

2.6 District Court Unsigned Order (Docket entry #53): "...the Court hereby orders this case to be closed. IT IS SO ORDERED."

3. BASIS FOR JURISDICTION IN THIS COURT.

3.1 Undersigned Petition for Writ of Mandamus executed by Petitioners within 90 days period from Orders, entered in the Court of Appeals for Ninth Circuit:

a) 11/03/04 – Dismissal of Case 04-56870;
b) 12/14/04 – Dismissal of Case 04-56895.

3.2 Undersigned Petition for Writ of Mandamus (provision Section 1651(a) USC [12]) has purposes to compel District Court and Court of Appeals for Ninth Circuit executes their responsibilities under the law and stop Obstruction of Justice.

3.3 Section 1 of undersigned Petition shows that Obstruction of Justice repeatedly committed by District Court & Court of Appeal for Ninth Circuit, totally isolated Plaintiffs-Petitioners from any relief in both Courts. So relief sought by Petitioners are **not available in any other Courts**.

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[12] Section 1651 USC: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

4. UNCONTROVERSIAL FACTS & CONCLUSIONS OF THE LAW.

4.1 FACT #1. **Proof of Service** (Docket Entry #4) by Registered California Process Server (J. Fitzpatrick, reg. #1606) clear shows that Valley Presbyterian Hospital (Defendant) has been served on 08/25/04 at 2:13 pm by Summons & Complaint. This **FACT** accepted by the Clerk and **never argued by Defendant**.

4.2 FACT #2. At **10:34** am on 09/**15**/04 Plaintiffs have filed "**Plaintiffs' request to enter Default**" (*Docket #6*), accompanied by **Affidavit**, which **informed Clerk**, that "...**Defendant has filed no answer** or other responsive pleading effectively 09/**14**/04, so allowed for service **20 days period**, provided by Rule 12(a)(1)(A) Federal Rules of Civil Procedures, is **passed** since service of 08/25/04 of the Summons & Complaint. This **FACT** accepted by the Clerk and **never argued by Defendant**. So, **Defendant has failed to plead** during allowed for pleading time.

4.3 FACT #3. Rule 55(a) FRCP has comprehensive provision about when, by whom and against whom Default must be entered:

a) When a party against whom a judgment for affirmative relief is sought has failed to plead...
b) ...clerk shall enter the party's default.

4.4 FACT #4. Docket Entry #9: **Notice of Deficiency** by Deputy Clerk Brent Pacillas: "The **Clerk cannot enter requested Default**... ...**Request for default** was **filed at 10:34 am** and **motion to dismiss** was **filed at 3:41 pm**." – does not state that Plaintiffs' Deficiency, but states that Defendant has filed Motion to Dismiss on 09/15/04, when **Default already occurred**. So, Notice of Deficiency does

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[13] Rule 55(a) FRCP: "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

not Indicate any Plaintiffs' deficiency, but does indicate that the Motion to Dismiss was filed at the time, when Default is already appeared. **This is the FACT**.

4.5 FACT #5. Docket CV04-7066 does not content any record that Mr. **Kent Alan Halkett** ever have filed Form AO 458 or another form of Appearance, but was **assigned as Defendant's Attorney on 09/16/04**. So, the Motion, signed & filed by him on **09/15/04** – is a **Motion**, which is not signed by Attorney of record and **must be stricken** under Rule 11(a) FRCP [14]. **This is the FACT**.

4.6 FACT #6. All papers, filed by Mr. Kent A. Halkett is not certified "to the best of person's knowledge" as required Rule 11(b) FRCP [15] and **OVERLOADED BY FALSE**. For example, Notice of Motion and Motion falsely states: "The Motion is made following the conference of the Hospital's counsel and Plaintiffs pro se, pursuant to Local Rule 7-3, which took place on September 13, 2004" **Mentioned conference was never happened** and furthermore – was impossible on September 13, so far as on September 13 Defendant not appeared in the action yet. **This is the FACT**.

4.7 FACT #7. Unsigned Order by Honorable Ronald S.W. Lew, granted Defendant's Motion to Dismiss (docket #35), based on the same FALSE as Defendant's Motion and contains the same **distortions and misstatements**:

a) Plaintiffs' first cause of action **is not** violations of OSH Act, **as falsely stated** in the Order, but "**Injuries** because of **hazardous air pollutant, recognized by US Congress**" (Provision Sec. 1357 Title 28 US Code).

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[14] Rule 11(a) FRCP: " Every pleading, written motion, and other paper shall be signed by at least one attorney of record… …An **unsigned paper shall be stricken**…"

[15] Rule 11(b) FRCP: " By presenting to the court… …an attorney or unrepresented party is certifying that to the best of the person's knowledge…"

b) Plaintiffs' second cause of action is not under California Labor Code, **as falsely stated** in the Order, but under provision Sec. 1357 Title 28 US Code, because Plaintiff Leonicheva Viktoriya has been injured because of **willful Employer's violations Acts of Congress**, specifically **Sec.654** & **655** US Code.

c) The reason for dismissal of third cause of action"*...because Plaintiffs have not provided the sixty days notice...*" – **is false**. Plaintiffs' Complaint on the page 6 clear states: "3.9) **11/18/03 Viktoriya has informed about this Employee Health Manager Alan Hermanson**, who immediately issued "**Work Status Report**"..." **3.10)** 11/19/03 **Viktoriya has informed Chief Technologist Mr. Louie Mendoza**..." Attachment to Complaint contents proves of service by such notices.

d) Reasons for dismissal of **fourth**, **fifth**, **sixth** & **seventh** causes of action, such as: "*Plaintiffs' complaint does not meet the pleading requirements of Rule (b)...*" or "*Plaintiffs fail to plead" as well as "Plaintiffs' Complaint is vague, confusing...*" – just **unsupported allegations against following facts, supported by evidences, attached to Plaintiffs' Complaint**: "**Viktoriya Leonicheva has been fired on April 16**, 2004 **in Respond for** Preliminary Report of 03/17/04, which states, that Viktoriya Leonicheva is Qualified Injured Worker with musculoskeletal injury and may not return to her job. Viktoriya has been fired on the Fifteenth Day after 04/02/04, when her Employer has received Viktoriya's new Claim Form of 04/02/04 regarding Secondary Consequences of **Chemical Exposure**." Why Defendant **did not even try** to rebut those facts, or **even to deny those**?

4.8 FACT #8. The Fact 7 here above clear shows that Defendant attempted to falsify seven Plaintiffs' Causes of Action. So, the Seven Claims, upon which relief can be granted – do exist, so far as Defendant fights with those. It

is a **FACT**. Defendant can be either agreed or disagreed with seven Causes of Action, but they are stated! It is a **FACT** and Defendant's "Motion to Dismiss action for failure state Claims, upon which relief can be granted" – just a FALSE itself, supported by Judge Honorable Ronald S.W. Lew.

4.9 FACT #9. **Transcript of hearing** of 10/25/04 by Court Reporter SHERI S. KLEEGER clear indicates that **Judge** Honorable Ronald S.W. Lew was much **more motivated to Defend Defendant than Defendant's Attorney**: **"How can a lawyer make that kind of conditional statement to the Court?** What kind of response do you want me to give you?" – exclaim Honorable Ronald S.W. Lew to Mr. Halkett, when he quietly said: "...if Your Honor is inclined not to grant the motion, **I would like to address whatever issues the Court has**."

4.10 FACT #10. **Transcript of hearing** of 10/25/04 by Court Reporter SHERI S. KLEEGER clear indicates that **Judge** Honorable Ronald S.W. Lew totally ignored the law. In respond to the Plaintiffs' statements: "The **motion has been moved by the person who has not been an attorney, at the time when the motion was moved**. ... **clerk refused to make this default**... ... the five hours late, and **on the 21st day after serving complaint and summons**... clerk accepted it – this motion on the 21st day, and **this is against the law** because the law **just 20 days to make a pleading**." – Judge responded: "**The motion is properly before the Court** for you to argue an opposition that's procedurally deficient is not going to be accepted by this Court."

5. STATEMENT OF THE CASE.

5.1 Neither Valley Presbyterian Hospital (Defendant), nor District Court or Court of Appeals for Ninth Circuit argues with Plaintiffs that Complaint has seven causes of action, upon which relief can be granted – do exist, so far as Defendant fights with those. **Nobody argues that Defendant failed to plead** within allowed 20 days period, and Motion to dismiss was filed by the individual, who was neither Defendant, nor Defendant's Attorney at the time of filing. So, **controversy about occurrence of event does not exist**. Instead of controversy does exist just willful Obstruction of Justice, including:

1) Concealing of Documents filed or deposited with Clerk of Court (provision Section 2071 [16] Title 18 US Code). So Plaintiffs' Request to enter Default was not Entered at **10:34** am on 09/**15**/04, but concealed until Mr. Kent A. Halkett has been assigned as Attorney on 09/16/04.
2) Avoid of record, process, proceeding in the US Court (provision Section 1506 [17] Title 18 USC). So, Clerk has **refused to enter Default** [18] at **10:34** am on 09/**15**/04.

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[16] Sec. 2071 Title 18 US Code: "**(a) Whoever** willfully and unlawfully **conceals**... ....with intent to do so takes and **carries away any** record, **proceeding**, map, book, paper, document, or other thing, **filed or deposited with any clerk or officer of any court of the United States**... **(b)** Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and **unlawfully conceals**, **removes**, mutilates, obliterates, **falsifies**, or destroys the same, shall be fined under this title..."

[17] Sec. 1506 Title 18 US Code: "Whoever feloniously steals, takes away, alters, falsifies, or otherwise **avoids any record**, writ, **process**, or other **proceeding**, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect"

[18] Section 951 Title 28 US Code: "Each clerk of court and his deputies shall take the following **oath** or affirmation before entering upon their duties: "I... ... do **solemnly swear** (or affirm) that **I will truly and faithfully enter and record all orders, decrees, judgments and proceedings**..."

3) Falsification of Judicial Record by Entering & Execution unsigned Court Order or Court Order, which contain False signature of Judge (provision Sections 1018 [19], 1623 [20], Title 18 and Section 951 [18], Title 28 and US Code). So, besides with dismissal of the case CV04-7066RSWL and two Appeals (04-56870 & 04-56895), **Petitioners have not received even one Order**, signed by Judge (or Judges) and certified by Clerk. So, under provision Section 1, Article IV US Constitution [4], Rule 44(a)(1) FRCP [5], Rule 901(a) [7] & 902(10) [6] Federal Rules of Evidence, Local Rules of District Court 58-4 [8] & 58-10 [9], it is proper to state: "**All Orders** for case CV04-7066RSWL and two appeals (04-56870 & 04-56895) – were **Falsely Issued**.

5.2 Honorable Ronald S.W. Lew **violated following Canons of Code of Conduct** for United States Judges:

1) Canon 3(A)(2) [21], because transferred Justice to the hand of Clerk's Deputies, acted on their own names, although Clerk of Court Sherri R. Carter – is not incapacitated or permanently absent – as precedent of applicability provision Section 954 [10] Title 28 USC. **Petitioners have not received even one Order**, signed by Judge or certified by Clerk.

[19] Sec. 1018 Title 18 US Code: "**Whoever**, being a public officer or **other person authorized by any** law of the United States to make or give **a certificate** or **other writing**, knowingly makes and delivers as true such a certificate or writing, **containing any statement which he knows to be false**..."

[20] Section 1623(a) Title 18 US Code: "**Whoever** under oath... ...**in any proceeding** before or ancillary to **any court** or grand jury of the United States knowingly **makes any false material declaration** or makes or **uses any other information**, including **any book**, **paper**, **document**, **record**, recording, or **other material**, **knowing the same to contain any false** material declaration, shall be fined under this title or imprisoned not more than five years, or both."

[21] Canon 3(A)(2) **Code of Conduct for United States Judges**: "A judge should hear and decide matters assigned, **unless disqualified**, and **should maintain order and decorum in all judicial proceedings**.

2) Canon 2(A)[22], because **has supported** previously committed action (*by Defendant & Clerk of the Court*), which exactly match definition of felonies under sections 1506, 1018 &1623 Title 18 US Code.
3) Canon 3(B)(3)[23], because took no action against Defendant's Attorney and Clerk of Court, who committed action, which exactly match definition of felonies under sections 1506, 1018 &1623 Title 18 US Code. Honorable Ronald S.W. Lew just ignored Plaintiffs Averments (docket records #21, #22, #23, #29, #31) about the frauds, committed by Defendant's Attorney and Clerk of Court.

6. CONCLUSION.

Petitioners do not ask to resolve any controversy, which does not exist. Petitioners just pray to reinstate actions of the Laws, unlawfully terminated by District Court: Reopen Civil Case CV04-7066RSWL and **Enter Default and Default Judgment against Defendant Valley Presbyterian Hospital**. Default was appeared at 10:00 am 09/15/04 by Plaintiffs' Affidavit and never was rebutted by evidences. Defendant just stole Plaintiffs' Victory for case CV04-7066RSWL and it is so sad that Court helped Defendant to make this THEFT. Law does not have any discretion: whether or not Court should execute Rule 55(a) FRCP as is written.

6. PRAY.

Petitioners pray before Supreme Court to Reopen Civil Case CV04-7066RSWL and **Enter Default and Default Judgment against Defendant Valley Presbyterian Hospital**.

---

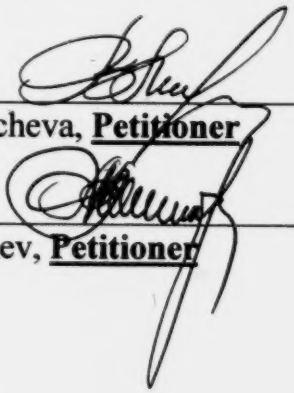
[22] Canon 2(A) **Code of Conduct for United States Judges**: "A **judge should respect and comply with the law**"

[23] Canon 3(B)(3) **Code of Conduct for United States Judges**: "A **judge should initiate appropriate action** when the judge becomes **aware of reliable evidence indicating the likelihood of unprofessional conduct by** a judge or **lawyer**.

DECLARATION

Undersigned Petition does not exceed 30 (thirty) pages.

We, undersigned Petitioners Oleksiy Leonichev & Viktoriya Leonicheva declare under penalty of perjury under the Laws of the United States that the facts in undersign Petition are true and correct to the best of our knowledge.



Viktoriya Leonicheva, **Petitioner**

Oleksiy Leonichev, **Petitioner**

01/26/2005

Appendix

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Oleksiy Leonichev, Viktoriya Leonicheva Plaintiff(s), v. Valley Presbyterian Hospital Defendant(s).	CASE NUMBER CV04-7066 RSWL (ex) NOTICE OF DEFICIENCY DEFAUL/DEFAULT JUDGMENT

PLEASE TAKE NOTICE:

The Clerk cannot enter the request **Default** of Valley Presbyterian Hospital for the following reason(s)

- No declaration as required by F.R.Civ.P 55(a)
- No proof of service/waiver of service on file
- The name of the person served does not exactly match the complaint
- Proof of Service is lacking required information
- Waiver of Service lacking the signature of the sender and/or person acknowledging receipt
- Time to respond has not expired

X Request to enter default and Motion to Dismiss were both filed on 9/15/04. **Request for default was filed at 10:34 a.m. and motion to dismiss was filed at 3:41 p.m.**

X Request forwarded to assigned Judge for consideration

Party dismissed from action on_____.

- Case terminated on_____.

X-Requesting party shall file a new Request/Application with noted deficiencies corrected **in order to have default reconsidered.**

The Clerk cannot enter the request **Default Judgment** against Valley Presbyterian Hospital for the following reason(s)

X No entry of Default on file

- No declaration of as required by F.R.Civ.P 55 (b)

- The name of the person for which Default Judgment is requested does not exactly match the person named in the complaint
- Amounts requested differ or exceed the amount prayed for in the demand for judgment in the most recently filed complaint
- An Affidavit of the amount due must accompany the plaintiff's request for default judgment
- No judgment by default may be entered by the Clerk against the United States or an incompetent person.
- The Request for Entry of Default has been forwarded to the assigned Judge
- Amount sought is not for a sum certain or cannot be computed to a sum certain
- Attorney Fees sought not in compliance with Local Rule 55.3
- Amount sought for costs is incorrect
- Case terminated on_____.
- Requesting party shall file a new Request/Application with noted deficiencies corrected **in order to have default reconsidered.**

DOCKETED ON CM

SEP 16 2004

BY (initials) 005

CLERK OF COURT
By Brent Pacillas
(signature)
Deputy Clerk

CV-52B(12/03) NOTICE OF DEFICIENCY DEFAULT/DEFAULT JUDGMENT

ENTERED CLERK.U.S.DISTRICT COURT OCT 28 2004 CENTRAL DISTRICT OF CALIFORNIA BY MG DEPUTY	FILED CLERK,U.S.DISTRICT COURT OCT 27 2004 CENTRAL DISTRICT OF CALIFORNIA BY_____DEPUTY	Priority Send V Enter V Closed IS-5/JS-6 IS-2/JS-3 SCAN ONLY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

UNITED STATES DISTRICT COURT
CENTRAL DICTRICT OF CALIFORNIA

OLEKSIY LEONICHEV AND VIKTORIYA LEONICHEVA, Plaintiffs, v. VALLEY PRESBYTERIAN HOSPITAL, Defendant.	CV 04-7066 RSWL (Ex) ORDER

On October 25, 2004, a hearing was held before this Court on Defendant's motion to dismiss or, alternatively, request for more definite statement of claims. Having considered all papers and argument in this matter, the Court orders as follows:

As to Plaintiffs' first cause of action for what appears to be a violation of the Occupational Safety and Health Act, the Court finds that Plaintiffs lack standing to assert such a violation as the Secretary of Labor has the sole responsibility to enforce the Act. Accordingly, Defendant's

motion to dismiss Plaintiffs' first cause of action is **GRANTED.**

As to Plaintiffs' second cause of action for "musculoskeletal injuries" under the California Labor Code, the Court finds that Plaintiffs' claim is barred by California's Workers' Compensation Act's exclusive remedies provisions. Accordingly, Defendant's motion to dismiss Plaintiffs' second cause of action is **GRANTED.**

As to Plaintiffs' third cause of action for what appears to be a violation of the Emergency Planning and Community Right-to-Know Act, Title 42, United States Code, Section 11001, the Court finds that the claim is barred because Plaintiffs have not provided the sixty days notice of the violation as required by Section 11046 (d) of the statute. Accordingly, Defendant's motion to dismiss Plaintiffs' third cause of action is **GRANTED.**

As to Plaintiffs' fourth cause of action for "fake statement relating to health care matter," the Court finds that Plaintiffs are alleging fraudulent conduct and Federal Rule of Civil Procedure 9(b) applies. The Court finds that Plaintiffs' complaint does not meet the pleading requirements of Rule (b) as it is vague, confusing, and conclusory. According, Defendant's motion to dismiss Plaintiffs' fourth cause of action is **GRANTED.**

As to Plaintiffs' fifth cause of action under the Americans with Disabilities Act, Title 42, United States Code, Section 12112(a), the Court finds that Plaintiffs fail to allege any permanent disability with substantially limited Plaintiff's life activity. Accordingly, Defendant's motion to dismiss Plaintiffs' fifth cause of action is **GRANTED.**

As to Plaintiffs' sixth cause of action for breach of contract, the Court finds that Plaintiff was an "at will" employee and Plaintiffs fail to plead sufficient facts for discrimination. Accordingly, Defendant's motion to dismiss Plaintiffs' sixth cause of action is **GRANTED.**

A to Plaintiffs' seventh cause of action for "conspiracy against rights," the Court finds that Plaintiffs' complaint is vague, confusing, and lacking in any factual specificity as required for a conspiracy allegation. Accordingly, Defendant's motion to dismiss Plaintiffs' seventh cause of action is **GRANTED.**

Plaintiffs are afforded 30 days leave to amend their complaint and are encouraged to obtain counsel.

IT IS SO ORDERED.

(STAMP)
RONALD S.W.LEW
United States District Judge

DATED: October 27, 2004
(orders\Leonicheva motion to dismiss.wpd)

ENTERED	FILED	Priority
CLERK.U.S.DISTRICT-COURT	CLERK,U.S.DISTRICT COURT	Send V
JAN – 3 2005	DEC 29 2004	Enter V
CENTRAL DISTRICT OF CALIFORNIA	CENTRAL DISTRICT OF CALIFORNIA	Closed
BY_____DEPUTY	BY_____DEPUTY	IS-5/JS-6 V
		IS-2/JS-3
		SCAN ONLY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

UNITED STATES DISTRICT COURT
CENTRAL DICTRICT OF CALIFORNIA

OLEKSIY LEONICHEV AND VIKTORIYA LEONICHEVA, Plaintiffs, v. VALLEY PRESBYTERIAN HOSPITAL, Defendant.	CV 04-7066 RSWL(Ex) ORDER **DOCKETED ON CM** JAN – 3 2005 BY MG 009

On October 27, this Court dismissed all seven causes of action in response to Defendant's motion to dismiss. The Court afforded Plaintiffs thirty days leave to amend.

Seeing that more than thirty days have passed since the issuance of this order, the Court hereby orders this case to be closed.

IT IS SO ORDERED.

(STAMP)
RONALD S.W.LEW
United States District Judge

DATED: December 23, 2004
(orders\Leonicheva motion to dismiss.wpd)

FILED
Nov-2 2004
CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OLEKSIY LEONICHEV;et al Plaintiffs-Appellants, v. VALLEY PRESBYTERIAN HOSPITAL, Defendant – Appellee.	No. 04-56870 D.C.No.CV-04-07066-RSWL Central District of California, Los Angeles ORDER

Before: KOZINSKI, HAWKINS and THOMAS, Circuit Judges

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal is not final or appealable.
See 28 U.S.C. Section 1291;*Chacon v. Babcock,* 640 F.2d 221(9th Cir.1981) (order is not appealable unless it disposes of all claims as to all parties). Consequently, this appeal is dismissed for lack of jurisdiction. All pending motions are denied as moot.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.
S:\PROSE\panelords\2004\10.04\october14\04-56870.wpd

FILED
DEC 14 2004
CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OLEKSIY LEONICHEV;et al Plaintiffs-Appellants, v. VALLEY PRESBYTERIAN HOSPITAL, Defendant – Appellee.	No. 04-56895 D.C.No.CV-04-07066-RSWL Central District of California, Los Angeles ORDER

Before: GOODWIN, ALARCON and TROTT, Circuit Judges

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable.

See WMX Technologies, inc. v. Miller, 104 F.3d 1133 (9th Cir.1997) (dismissal of complaint with leave to amend is not appealable). Consequently, this appeal is dismissed for lack of jurisdiction. All pending motions are denied as moot.

S:\PROSE\panelords\2004\12.04\December6\04-56895.wpd

Office of the Clerk
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Copy

Seal

95 Seventh Street
San Francisco, California 94103-1526

Seal

Cathy A. Catterson
Clerk of Court

(415)556-9800

November 18, 2004

Oleksiy Leonichev and
Viktoriya Leonicheva
5260 Corteen Pl. #3
ValleyVillage,
CA 91607

Re: Complaint of Judicial Misconduct No. 04-89118

Dear Mr. And Mrs. Leonicheva:

We have received the complaint of judicial misconduct filed pursuant to 28 U.S.C. Section 352 (c) against Judges Lew. Docket Number 04-89118 has been assigned to this matter.

Pursuant to the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability, a copy of the complaint has been forwarded to Chief Judge Schroeder, Chief Judge Marshall and Judge Lew.

Very truly yours,
Signature
Cathy A. Catterson

CAC/gb

If you view the full docket online, you will be charged for	1 Pages	$ 0.08

US Court of Appeals for the Ninth Circuit
Case Summary

```
 Court of Appeals Docket #: 04-89118
Filed: 10/21/04
 Nsuit:    0
  v.
 Appeal from: Court Unknown

 Lower court information:
      District: 1    -1 :
      Date Filed: **/**/**
```

PACER Service Center			
Transaction Receipt			
01/22/2005 16:41:25			
PACER Login:	ol0173	**Client Code:**	
Description:	dkt summary	**Case Number:**	04-89118
Billable Pages:	1	**Cost:**	0.08

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

- - -

HONORABLE RONALD S.W. LEW, JUDGE
PRESIDING

- - -

OLEKSIY LEONICHEV,et al
Plaintiffs,
Vs.
VALLEY PRESBYTERIAN HOSPITAL,
Defendant.

CERTIFIED COPY

No. CV 04-7066-RSWL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
MOTION
Los Angeles, California
Monday, October 25, 2004

SHERI S. KLEEGER, CSR
Official Court Reporter
License No. 10340
312 North Spring Street
Room 406
Los Angeles, California 90012
P: 213/894-6604

UNITED STATES DISTRICT CO

APPEARANCES:

FOR THE PLAINTIFFS:
IN PROPER
OLEKSIY LEONICHEV AND VIKTORIYA
LEONICHEVA
5260 Corteen Place
No.3
Valley Village, California 91607
(818) 760-0882

FOR THE DEFENDANT:
MUSICK, PEELER & GARRETT LLP
BY: KENT A. HALKETT, ESQUIRE
One Wilshire Boulevard
Los Angeles, Cali ornia 90017
(213) 629-7985

LOS ANGELES, CALIFORNIA;

MONDAY, OCTOBER 25, 2004 9:25 A.M.

THE CLERK: Case No. CV-04-7066-RSWL: Oleksiy Leonichev, et al, versus the Valley Presbyterian Hospital

Counsel, state your appearances.

MR. LEONICHEV: Plaintiff Oleksiy Leonichev.

MR. HALKETT: Good morning, Your Honor. Kent Halkett of Musick, Peeler and Garrett on behalf of the defendant, moving party, Valley Presbyterian Hospital.

THE COURT: Where is the other plaintiff?

MRS. LEONICHEV: Good morning. Victoria Leonichev for the plaintiff.

THE COURT: The two plaintiffs are representing themselves. They have to be here. Otherwise, their case would be – wouldn't proceed without their appearance. One plaintiff cannot represent the other.

With regard to the motion that's before the Court, this is defendant's motion to dismiss the action for failure to state a claim, or in the alternative, a request for more definitive statement with respect to 12 (b) (6) or 12(e).

With regard to this motion, I read the moving papers and the opposition filed by the plaintiffs. Any further argument for the movant?

MR. HALKETT: Only to the extent if Your Honor is inclined not to grant the motion, I would like to address whatever issues the Court has. Otherwise, I'm fine with the papers submitted including the reply brief.

THE COURT: Yaw can a lawyer make that kind of conditional statement to the Court? What kind of response do you want me to give you?

MR. HALKETT: Nothing, Your Honor.

THE COURT: All right. You completed your argument, then?

MR. HALKETT: Yes, Your Honor.

THE. COURT: Any responses for the plaintiffs?

MR. LEONICHEV: Yes. I must total dismiss this motion as total unlawful, because this motion actually has been scheduled against the law. The motion has been moved by the person who has not been an attorney, at the time when the motion was moved. He was assigned an attorney just the next day. And this is the first.

The second, I still have not received final decision about – regarding deficiency. September 15, when plaintiff requested to clerk to make default, the clerk refused to make this default. The reason because the five hours late, and on the 21st day after serving complaint and summons.

Defendant has moved the motion to dismiss the case. So clerk accepted it – this motion on the 21st day, and this is against the law because the law just 20 days to make a pleading. This motion when –

THE COURT: The motion is properly before the Court for you to argue an opposition that's procedurally deficient is not going to be accepted by this Court.

Do you want to argue anything in opposition to the motion other than what has already been set forth in the papers?

MR. LEONICHEV: Right. In this motion, so many problems. I already state regarding this in my memorandum.

THE COURT: You don't have to repeat your memorandum. I have read it.

MR. LEONICHEV: Okay. This motion, as well, moved by the person who even didn't put the statement "to the best of his knowledge." There is no any –I am swear under penalty of perjury," just – this person just don't know what he is moving. There's no certification under Rule 11.

THE COURT: I don't think you know what you are talking about. I have read your papers. It's garbled. The complaint is garbled and unclear. I will tell you this:
I'm not going to ask you to respond either Mrs. Leonichev. I read the papers in this case. I'm going to grant the motion.

I'm going to state the reason in writing to you instead of reading it because I don't know that you will understand what I say as to each of the counts. So I'm going to have a written order prepared today and send it to you.

My best suggestion to you is that you get a lawyer if you wish to pursue it. If you continue to represent yourself, know this, I will allow you to amend your complaint. You have 30 days' leave to amend complaint from this date.

If you don't file an amended complaint within 30 days your case will be gone. If you file a new complaint, you better answer the deficiencies that will be stated by the order of this Court on this motion to dismiss. It's suggested – you probably should get a lawyer because you – it's pretty clear you don't understand the legal procedural nuances involved and perhaps the substantive application for each of these counts.

So, if you wish to pursue it, do it wisely, because the next time you come here, if I do happen to grant the motion again, I might grant it with prejudice, meaning that the case will be over.

MR. LEONICHEV: But I am ready – I'm sorry.

THE COURT: You are ready to argue?

MR. LEONICHEV: Yes, I'm ready to argue.

THE COURT: I have read all this. You are not going to change my mind with the papers and having read the complaint. Your complaint is not well stated, and it is not adequate. I am going to give you a chance to redo it, but if you don't do it properly, I may dismiss it forever the next time around.

MR. LEONICHEV: I have one more objection. I am objecting actually for proceeding this motion because default already appeared.

THE COURT: you tried to file the default many times. The Court has rejected it. It's improperly filed by you. Don't play with the rules of procedures. They were improperly filed by you and rejected by the Court because

the defendant has already filed a pleading in response to your complaint. You're – you're attempted request for defaults are just wasting the Court's time and wasting your time. There is no default. And I say that clearly to you now.

MR. LEONICHEV: But I say at least deficiency, because the deficiency states just issue the same day.

THE. COURT: The deficiency might be your failure to understand what I've just said to you and your understanding that the procedural and substantive laws are required. I say this advisedly to you. You better get a lawyer. If you don't get a lawyer, you better file a better complaint, because if you fail to meet the requirements set forth, you are gong to lose. That is all I'm telling you.

The Court will issue the order.

MR. HALKETT: Thank you, Your Honor.

MR. LEONICHEV: Thank you, Your Honor.

* * *

CERTIFICATE

I hereby certify that the foregoing matter is transcribed from the stenographic notes taken by me and is a true and accurate transcription of the same.

Signature

SHERI S. KLEEGER, CSR
DATED: OCTOBER 26, 2004
Official Court Reporter
License No. 10340

2:04-cv-07066-RSWL-E Oleksiy Leonichev et al v. Valley Presbyterian Hospital
Ronald S.W. Lew, presiding
Date filed: 08/24/2004
Date terminated: 12/29/2004 **Date of last filing:** 01/05/2005

Deadlines/Hearings

Doc. No.	Deadline/Hearing	Event Filed	Due/Set	Satisfied	Terminated
10	Motion Hearing	09/15/2004	10/25/2004 at 09:00 AM		10/27/2004
1	Answer due	08/24/2004	09/17/2004		

PACER Service Center			
Transaction Receipt			
01/22/2005 15:05:48			
PACER Login:	ol0173	**Client Code:**	
Description:	Deadline/Hearings	**Search Criteria:**	2:04-cv-07066-RSWL-E
Billable Pages:	1	**Cost:**	0.08

U.S. District Court
CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #:2:04-cv07066-RSWL-E

Oleksiy Leonichev et al v. Valley Presbyterian Hospital
Assigned to: Honorable Ronald S.W. Lew
Referred to: Magistrate Judge Charles F. Eick
Cause: 42:1983 Civil Rights Act

Date Filed: 08/24/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Oleksiy Leonichev	represented by	**Oleksiy Leonichev** 5260 Corteen Place, Number 3 Valley Village, CA 91607 818-760-0882 PRO SE

Plaintiff

Viktoriya Leonicheva	represented by	**Viktoriya Leonicheva** 5260 Corteen Place, Number 3 Valley Village, CA 91607 818-760-0882 PRO SE

V.

Defendant

Valley Presbyterian Hospital	represented by	**Kent A Halkett** Musick Peeler and Garrett

One Wilshire
Boulevard, Suite 2000
Los Angeles, CA
90017-3383
213-629-7985
Email:
k.halkett@mpglaw.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
08/24/2004	1	COMPLAINT against defendant Valley Presbyterian Hospital. (Filing fee $150.) filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva.(jag,) (Entered: 09/01/2004)
08/24/2004		20-Day Summons Issued re Complaint - (Discovery)[1] as to Valley Presbyterian Hospital. (jag,) (Entered: 09/01/2004)
08/24/2004	2	CERTIFICATION and NOTICE of Interested Parties filed by Plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (jag,) (Entered: 09/01/2004)
08/24/2004	3	NOTICE TO PARTIES OF ADR PILOT PROGRAM filed.(jag,) (Entered: 09/01/2004)

08/31/2004	4	PROOF OF SERVICE Executed by plaintiff Oleksiy Leonichev, Viktoriya Leonicheva, upon Valley Presbyterian Hospital served on 8/28/2004, answer due 9/17/2004. The Summons and Complaint were served by personal service, by federal statute, upon Dan Price, person authorized to accept service. Due Dilligence declaration not attached. Original Summons not returned. (bp,) (Entered: 09/07/2004)
09/07/2004	5	CERTIFICATION of Interested Parties filed by Plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/09/2004)
09/15/2004	6	REQUEST for Clerk to Enter Default against defendant Valley Presbyterian Hospital filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/16/2004)
09/15/2004	7	REQUEST for Default Judgment against defendant Valley Presbyterian Hospital filed by plaintiff Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/16/2004)
09/15/2004	8	DECLARATION of Viktoriya Leonicheva re REQUEST for Default Judgment against

		defendant Valley Presbyterian Hospital[7] filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/16/2004)
09/15/2004	10	NOTICE OF MOTION AND MOTION to Dismiss action for failure to state a claim or, alternatively, request for more definite statement of claims filed by defendant Valley Presbyterian Hospital. Motion set for hearing on 10/25/2004 at 09:00 AM before Honorable Ronald S.W. Lew. (bp,) (Entered: 09/16/2004)
09/15/2004	11	MEMORANDUM of Points and Authorities in Support of MOTION to Dismiss Case MOTION for More Definite Statement MOTION for More Definite Statement[10] filed by defendant Valley Presbyterian Hospital. (bp,) (Entered: 09/16/2004)
09/15/2004	12	CERTIFICATE of Interested Parties filed by Defendant Valley Presbyterian Hospital. (bp,) (Entered: 09/16/2004)
09/16/2004	9	NOTICE OF DEFICIENCY Re: [6] REQUEST for Clerk to Enter Default against defendant Valley Presbyterian Hospital, [7] REQUEST for Default Judgment

		against defendant Valley Presbyterian Hospital. The Clerk cannot enter the requested relief as request for default and motion to dismiss were both filed on 9/15/04. (bp,) (Entered: 09/16/2004)
09/20/2004	13	REQUEST to annul fact of the first appearance of defendant, entered by clerical mistakes filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/22/2004)
09/20/2004	14	REQUEST for correction, clerical mistakes filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. Lodged proposed order. (bp,) (Entered: 09/22/2004)
09/20/2004	15	REQUEST for Clerk to Enter Default against Valley Presbyterian Hospital filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/22/2004)
09/21/2004	16	REQUEST for Clerk to Enter Default against defendant Valley Presbyterian Hospital and affidavit in support filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/22/2004)
09/21/2004	17	Plaintiff's Responsive Pleading for

		the defendant's notice of motion and motion to dismiss action for failure to state a claim or, altnernatively, request for more definite statement of claim. In support of plaintiff's REQUEST to correct clerical mistates [14] filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/22/2004)
09/27/2004	18	EVIDENCE, upon which plaintiffs will rely in opposition to the defendant's MOTION to Dismiss Case MOTION for More Definite Statement MOTION for More Definite Statement[10] filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/28/2004)
09/27/2004	19	MEMORANDUM with statement of reasons and the points and authorities upon which plaintiffs will reply in Opposition to MOTION to Dismiss Case MOTION for More Definite Statement MOTION for More Definite Statement[10] filed by plaintiffs' Oleksiy Leonichev, Viktoriya Leonicheva. (bp,) (Entered: 09/28/2004)
09/28/2004	20	NOTICE of change of attorney information. Kent A. Halkett, esq, change of telephone number to

		213-629-7985 filed by defendant Valley Presbyterian Hospital. (bp,) (Entered: 09/29/2004)
10/04/2004	21	PLAINTIFFS AFFIDAVIT constituted the contempt commited by the defendants attorney (mg,) (Entered: 10/06/2004)
10/04/2004	22	PLAINTIFFS Specific Negative Averment as to the capacity of Mr. Kent A Halkett to represent defendant (mg,) (Entered: 10/06/2004)
10/12/2004	23	PLAINTIFFS AFFIDAVIT constituted violation of plaintiffs rights commited by clerk under provision of Declaration of Independence (mg,) (Entered: 10/13/2004)
10/12/2004	25	REQUEST for Entry of Default against defendant Valley Presbyterian Hospital filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (mg,) (Entered: 10/13/2004)
10/12/2004	26	REQUEST for Default Judgment against defendant Valley Presbyterian Hospital filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (mg,) (Entered: 10/13/2004)

10/12/2004	27	AFFIDAVIT OF THE AMOUNT DUE in support of REQUEST for Default Judgment against defendant Valley Presbyterian Hospital[26] filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (mg,) (Entered: 10/13/2004)
10/13/2004	24	NOTICE OF DEFICIENCY Re: Request for Default against Valley Presbyterian Hospital, filed 9/20/04 and 9/21/04. The Clerk cannot enter the requested relief as Motion to Dismiss was filed by defendant on the same day as the first Request for Default was filed (9/15/04). The request was forwarded to the assigned Judge for consideration. This is the Second Request for Default filed on defendant (mg,) (Entered: 10/13/2004)
10/13/2004	28	NOTICE OF DEFICIENCY Re: [25] REQUEST for Entry of Default against defendant Valley Presbyterian Hospital. The Clerk cannot enter the requested relief as Motion to Dismiss was filed on the same day as the first Request for Default was filed (9/15/04). Request was forwarded to assigned Judge for consideration. This is the Third Request for Default filed. Additionally, no

		Entry of Default is on file, therefore, the Request for default judgment is premature [26]. (mg,) (Entered: 10/13/2004)
10/14/2004	29	PLAINTIFFS Averment constituted continuous Clerical mistake and negative condition of clerks mind respectively to the law (mg,) (Entered: 10/15/2004)
10/15/2004	30	REPLY BRIEF in support of its MOTION to dismiss [10] filed by defendant Valley Presbyterian Hospital. (mg,) (Entered: 10/18/2004)
10/18/2004	31	Averment constituted that fraud committed by the defendant is consequence of obstruction of justice, committed by the clerk; filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (mg,) (Entered: 10/20/2004)
10/25/2004	32	NOTICE OF APPEAL to 9th CCA filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. Appeal of document 9 Filed On: 09/16/04; document numbers 24 and 28 filed on 10/13/04. Filing fee $255, Paid, receipt number 17200. cc: Oleksiy Leonichev, Victoriya Leonicheva. (cbr,) Modified on 10/27/2004 (wdc,). (Entered: 10/25/2004)

10/25/2004	33	MINUTES by Judge Ronald S.W. Lew: Granting defendants MOTION to Dismiss Case [10]. The Court grants plaintiff 30 days leave to amend the complaint from todays date. Court Reporter: Sheri Kleeger. (mg,) (Entered: 10/27/2004)
10/26/2004	34	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 10/25/04; Court Reporter: Sheri Agata; Re: Appeal to Circuit Court [32]. (cbr,) (Entered: 10/27/2004)
10/27/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit Court, [32]. (wdc,) (Entered: 10/27/2004)
10/27/2004	35	ORDER by Judge Ronald S.W. Lew: On 10/25/04 a hearing was held before this Court on defendants MOTION to Dismiss, or alternatively, request for More Definite Statement [10]. Having considered all papers and argument in this matter, the Court orders as follows: Defendants motion to dismiss plaintiffs first cause of action is granted. Defendants motion to dismiss plaintiffs second cause of action is granted. Defendants motion to

		dismiss plaintiffs third cause of action is granted. Defendants motion to dismiss plaintiffs fourth cause of action is granted. Defendants motion to dismiss plaintiffs fifth cause of action is granted. Defendants motion to dismiss plaintiffs sixth cause of action is granted. Defendants motion to dismiss plaintiffs seventh cause of action is granted. Plaintiffs are afforded 30 days leave to amend their complaint and are encouraged to obtain counsel. (mg,) (Entered: 10/28/2004)
10/27/2004	36	NOTICE OF DISCREPANCY AND ORDER by Judge Ronald S.W. Lew, ORDERING 1) Notice of motion for correction clerical mistake in order to prevent fraudulent defendants motion which scheduled for hearing on 10/25/04; 2) Motion for correction clerical mistakes in order to prevent fraudulent defendants motion scheduled for hearing on 10/25/04; 3) Memorandum and points and authorities for motion for correction in clerical mistakes in order to prevent fraudulent defendants motion, etc., submitted by Plaintiffs, received on 10/22/04, is not to be filed but instead rejected. Denial based on:

		LR 6-1, Written Notice of motion lacking or timeliness of notice incorrect.(mg,) (Entered: 10/29/2004)
10/28/2004	37	REQUEST for Entry of Default against defendant Valley Presbyterian Hospital filed by plaintiffs (mg,) (Entered: 10/29/2004)
10/28/2004	38	REQUEST for Default Judgment against defendant Valley Presbyterian Hospital filed by plaintiffs (mg,) (Entered: 10/29/2004)
10/28/2004	39	AFFIDAVIT OF THE AMOUNT DUE in support of plaintiffs repeated REQUEST for Default Judgment against defendant Valley Presbyterian Hospital[38] filed by plaintiffs. (mg,) (Entered: 10/29/2004)
10/29/2004	40	NOTICE OF DEFICIENCY Re [37] REQUEST for Entry of Default against defendant Valley Presbyterian Hospital, and [38] REQUEST for Default Judgment against defendant Valley Presbyterian Hospital. The Clerk cannot enter the requested relief. Pursuant to the Judges Order of 10/27/04, granting defendants Motion to Dismiss the first through the seventh causes of

		action, and affording plaintiff 30 days leave to amend the complaint, the Request was forwarded to the Judge for his consideration. The Request for Default Judgment is premature, as there is no Default on file (mg,) (Entered: 10/29/2004)
10/29/2004	41	NOTICE OF APPEAL to 9th CCA filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. Appeal of Order 35 Filed On: 10/27/04; Entered On: 10/28/04. Filing fee $255, Paid, receipt number 17380. cc: Oleksiy Leonichev, Viktoriya Leonicheva. (cbr,) (Entered: 10/29/2004)
11/01/2004	42	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 10/25/04; Court Reporter: Sheri Kleeger; Re: Appeal to Circuit Court, [41]. (cbr,) (Entered: 11/01/2004)
11/02/2004	43	NOTIFICATION by Circuit Court of Appellate Docket Number 04-56870, 9th CCA regarding Appeal to Circuit Court, [32] filed by Oleksiy Leonichev, Viktoriya Leonicheva. (cbr,) (Entered: 11/02/2004)
11/02/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit

		Court, [41]. (ghap,) (Entered: 11/02/2004)
11/03/2004	44	ORDER by Judge Ronald S.W. Lew denying plaintiffs: REQUEST to annul fact of the first appearance of defendant, entered by clerical mistakes [13]; REQUEST for correction [sic] clerical mistakes [14]; REQUEST for Entry of Default against defendant Valley Presbyterian Hospital [37]; and REQUEST for Default Judgment against defendant Valley Presbyterian Hospital [38]. All of plaintiffs requests are denied as defendant timely filed a motion to dismiss on 9/15/04 and no such clerical mistakes were made (mg,) (Entered: 11/04/2004)
11/05/2004	45	NOTIFICATION by Circuit Court of Appellate Docket Number 04-56895, 9th CCA regarding Appeal to Circuit Court, [41] filed by Oleksiy Leonichev, Viktoriya Leonicheva. (nm,) (Entered: 11/05/2004)
11/05/2004	46	NOTICE OF APPEAL to Federal Circuit Court filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. Appeal of Order, 35 Filed On: 10/27/04; Entered On: 10/28/04· Filing fee $255 receipt

		number 17653. cc: Oleksiy Leonichev; Viktoriya Leonicheva; Valley Presbyterian Hospital; Kent A. Halkett. (weap,) (Entered: 11/05/2004)
11/05/2004	47	NOTICE OF APPEAL to Federal Circuit Court filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. Appeal of Order, 44 Filed On: 11/3/04; Entered On: 11/4/04; Filing fee $255., Paid receipt number 17652. cc: Oleksiy Leonichev; Viktoriya Leonicheva; Valley Presbyterian Hospital; Kent A. Halkett. (weap,) (Entered: 11/05/2004)
11/08/2004	48	NOTICE OF MOTION AND MOTION to Dismiss Appeals (docket record #46 and #47) to Federal Circuit, filed by plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva. (cbr,) (Entered: 11/08/2004)
11/08/2004	49	MEMORANDUM With Points and Authorities and Evidence in Support of Motion to Dismiss Appeal to Federal Circuit Court, filed by plaintiffs re MOTION for Order[48]. (cbr,) (Entered: 11/08/2004)
11/08/2004	51	NOTICE OF DISCREPANCY AND ORDER by Judge Ronald S.W. Lew ORDERING Request

		for default submitted by Plaintiffs received on 11/3/04 is not to be filed but instead rejected. Denial based on: the defendants answer is on the docket.(mg,) (Entered: 11/17/2004)
11/09/2004	50	NOTICE OF DISCREPANCY AND ORDER: by Judge Ronald S.W. Lew, ORDERING Plaintiffs' Petition for Money Returned submitted by Plaintiffs Oleksiy Leonichev, Viktoriya Leonicheva received on 11/09/04 is not to be filed but instead rejected. Denial based on: Dismiss Appeal to Federal Circuit Court. (cbr,) (Entered: 11/10/2004)
11/24/2004	52	MANDATE of 9th CCA filed as to Appeal to Circuit Court, [32], CCA # 04-56870. The appeal is dismissed. Mandate received in this district on 11/26/04. (weap,) (Entered: 12/01/2004)
12/29/2004	53	ORDER by Judge Ronald S.W. Lew: On 10/27/04 this Court dismissed all seven causes of action in response to defendants Motion to dismiss 35. The Court afforded plaintiffs thirty days leave to amend. Seeing that more than thirty days have passed since the issuance of this order, the Court hereby orders this case to be

		closed. (Made JS-6. Case Terminated.)(mg,) (Entered: 01/03/2005)
01/05/2005	54	MANDATE of 9th CCA filed as to Appeal to Circuit Court, [41], CCA # 04-56895. The appeal is dismissed. Mandate received in this district on 01/07/05. (cbr,) (Entered: 01/10/2005)

PACER Service Center

Transaction Receipt

01/22/2005 15:00:06

PACER Login:	ol0173	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	2:04-cv-07066-RSWL-E
Billable Pages:	4	**Cost:**	0.32

US Court of Appeals for the Ninth Circuit
Case Summary

Court of Appeals Docket #: 04-56870
Filed: 10/27/04
Nsuit: 3440 Other civil rights (Fed)
Leonichev, et al v. Valley Presbyterian
Appeal from: Central District of California, Los Angeles

Lower court information:
District: 0973-2 : CV-04-07066-RSWL
presiding judge: Ronald S.W. Lew, District Judge

10/27/04 DOCKETED CAUSE AND ENTERED APPEARANCES OF APLT IN PRO SE
AND COUNSEL FOR APLE. CADS SENT (Y/N): n. setting schedule as follows: appellant's designation of RT is due 11/4/04, ; appellee's designation of RT is due 11/15/04; appellant shall order transcript by 11/24/04, ; court reporter shall file transcript in DC by 12/27/04; certificate of record shall be filed by 1/3/05 ; appellant's opening brief is due 2/10/05, ; appellees' brief is due 3/14/05; appellants' reply brief is due 3/28/05, ; [04-56870] (lu)

10/27/04 Filed Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva emergency motion for correction clerical mistakes in the district court civil docket; served on 10/26/04 [moatt] (ji)

11/2/04 Order filed: A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal are not final or appealable. CITE. Consequently, this appeal is dismissed for lack of jurisdiction. All pending mtns are denied as moot. NO MOTIONS FOR RECON, REHEARING, CLARIFICAITON, STAY OF MANDATE, OR ANY OTHER SUBMISSIONS SHALL BE FILED OR ENTERTAINED IN THIS CLOSED DOCKET.

(Terminated on the Merits after Submission Without Oral Hearing; Dismissed/Frivolous; Written, Unsigned, Unpublished. Alex KOZINSKI, Michael D. HAWKINS, Sidney THOMAS) [04-56870] (ji)

11/3/04 Filed Appellee Valley Presbyterian response opposing emergency motion, served on 11/1/04 (moatt) [04-56870] (ji)

11/4/04 Received Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva reply to response to supporting emergency motion served on 11/3/04 (casefile) [04-56870] (ji)

11/10/04 Received Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva's motion to reconsider order of the Court 1/2/04 or, alternatively for clarification ; served on 11/9/04 [casefiles - nan per 11/2/04] [04-56870] (ji)

11/24/04 MANDATE ISSUED [04-56870] (ji)

PACER Service Center

Transaction Receipt

01/22/2005 15:35:09

PACER Login:	ol0173	**Client Code:**	
Description:	dkt summary	**Case Number:**	04-56870
Billable Pages:	1	**Cost:**	0.08

US Court of Appeals for the Ninth Circuit
Case Summary

Court of Appeals Docket #: 04-56895
Filed: 11/3/04
Nsuit: 3440 Other civil rights (Fed)
Leonichev, et al v. Valley Presbyterian, et al
Appeal from: Central District of California, Los Angeles

Lower court information:
District: 0973-2 : CV-04-07066-RSWL
presiding judge: Ronald S.W. Lew, District Judge

11/3/04 DOCKETED CAUSE AND ENTERED APPEARANCE OF APLTS IN PRO PER &
COUNSEL FOR APLE. CADS SENT (Y/N): N. Setting schedule as follows: appellant's designation of RT is due 11/8/04, ; appellee's designation of RT is due 11/18/04; appellant shall order transcript by 11/29/04, ; court reporter shall file transcript in DC by 12/29/04; certificate of record shall be filed by 1/5/05 ; appellant's opening brief is due 2/14/05, ; appellees' brief is due 3/16/05; appellants' reply brief is due 3/30/05, ; [04-56895] (pg)

11/17/04 Filed original and 15 copies Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva opening brief (Informal: Y) 18 pages and five excerpts of record in 2volumes; served on 11/16/04 [04-56895] (gar)

11/17/04 Filed Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva emergency motion to to remove falsifations of record from civil dkt [04-56895] ; served on 11/16/04 5238333] MOATT (gar)

11/22/04 Filed Appellee Valley Presbyterian response opposing emergency motion [5238333-1] served on 11/19/04 MOATT via PROMO [04-56895] (gar)

11/29/04 Filed Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva's "emergency" motion to strike whole of aple's response to emerg mtn [04-56895] served on 11/27/04[5248782] MOATT [04-56895] (gar)

12/9/04 Filed Appellant Oleksiy Leonichev, Appellant Viktoriya Leonicheva's "emergency" motion to stop and stike falsifations & obstruction of official record.. [04-56895] served on 12/8/04 [5260309] MOATT [04-56895] (gar)

12/14/04 Order filed dismiss the case. A rev of the record demonstrates that this ct lacks jurisdiction over this appeal because the order challenged is not final or appealble. CITE. Consequently this appl is dismissed for lack of jurisdiction. All pending mtns are denied as moot.(Procedurally Terminated After Other Judicial Action; Jurisdictional Defects. Alfred T. GOODWIN, Arthur L.ALARCON, Stephen S.TROTT) 04-56895] (gar)

1/5/05 MANDATE ISSUED [04-56895] (gar)

PACER Service Center

Transaction Receipt

01/22/2005 15:37:07

PACER Login:	ol0173	**Client Code:**	
Description:	dkt summary	**Case Number:**	04-56895
Billable Pages:	1	**Cost:**	0.08